

Daley v Scalabrini Village Limited

Village: Scalabrini Village, Drummoyne

Operator: Scalabrini Village Ltd



The Advocates: The CTTT case was conducted in 2010 by a resident at the village, Judith Daley (Vice President of the RVRA, from August 2011).

The Dispute: The village contract was confusing regarding the method of increase in recurrent charges, as it referred to “CPI variations of the increase in the single aged pension”.

The Case History: Judith Daley applied to the CTTT, and after the Directions Hearing, the case was decided on the documentation provided by the applicant and the operator.

The Result: The Senior Tribunal Member ordered that:

“Pursuant to section 128(2) of the Act, I order that (a) Schedule Three to the Contract; Variation of recurrent Charges according to a Fixed Formula; should be amended as follows:

“This fee will be varied half yearly, equal to the CPI variations for the year to March, and for the year to September figures respectively, published from time to time by the Australian Bureau of Statistics.”

The Senior Tribunal Member also ordered that:

“Clause 15.06 of the contract should be amended as follows: “15.06 recurrent charges will be varied according to a fixed formula: (a) the Recurrent Charge may be varied: as per Schedule Three”.

What has been learnt?

A resident acting alone, and taking a case to the CTTT, can assist the whole village, and result in all residents being treated in a fairer and equitable manner.

Note:

While the recurrent fees were increased by the stated figures, the contracts have not yet been amended as Ordered. On advice of the Chairperson Kay Ransome, Ms Daley has completed the process to “Renew the Application”. (*December 2011*)
